

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SPIRIT AEROSYSTEMS, INC.,

Plaintiff,

v.

W. KENNETH PAXTON, *in his official
capacity as Attorney General of Texas, and*
JANE NELSON, *in her official capacity as
Secretary of State of Texas,*

Defendants.

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1:24-cv-472-DII

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Plaintiff Spirit AeroSystems, Inc.’s (“Plaintiff”) Motion for Summary Judgment and Permanent Injunction, (Dkt. 17), and Defendant W. Kenneth Paxton’s (“Defendant”) Cross Motion for Summary Judgment, (Dkt. 15). (R. & R., Dkt. 52). Defendant timely filed objections to the report and recommendation, (Dkt. 53), and Plaintiff responded, (Dkt. 54).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Defendant timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Defendant’s objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 52), is **ADOPTED**. Plaintiff's Motion for Summary Judgment and Permanent Injunction, (Dkt. 17), is **GRANTED**. Defendant's Cross Motion for Summary Judgment, (Dkt. 15), is **DENIED**.

IT IS ORDERED that the RTE Statute, TEX. BUS. ORGS. CODE §§ 12.151–12.156, is **DECLARED** facially unconstitutional.

IT IS FURTHER ORDERED that Defendant W. Kenneth Paxton and his agents are permanently **ENJOINED** and **RESTRAINED** from:

1. Enforcing or attempting to enforce the Request to Examine issued by the Office of the Texas Attorney General on March 28, 2024;
2. Holding or attempting to hold Plaintiff in noncompliance for not producing documents in response to the March 28, 2024 Request, or imposing or attempting to impose any consequences on Plaintiff for not producing documents in response to the March 28, 2024 Request;
3. Enforcing or attempting to enforce the Request to Examine issued by the Office of the Texas Attorney General on May 13, 2024;
4. Holding or attempting to hold Plaintiff in noncompliance for not producing documents in response to the May 13, 2024 Request, or imposing or attempting to impose any consequences on Plaintiff for not producing documents in response to the May 13, 2024 Request; and
5. Issuing any other Requests to Examine to Plaintiff pursuant to Texas Business Organizations Code §§ 12.151–12.156.

The court will issue final judgment by separate order.

SIGNED on December 9, 2024.

A handwritten signature in blue ink, appearing to read "R. Pitman", with a long horizontal flourish extending to the right.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE